

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Charlene Ynson, Assistant Clerk/Administrator, by Jill Rivera, Deputy Clerk.

**F054696      People v. Ebaniz**

Cause called and argued by Joseph C. Shipp, Esq., counsel for appellant and by Brian Alvarez, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

**F055939      In re Tyrone Ebaniz on Habeas Corpus**

Cause called and argued by Joseph C. Shipp, Esq., counsel for petitioner and by Brian Alvarez, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

At this point Wiseman, J. leaves the bench and is replaced by Levy, J.

**F054227      James Van Buren v. Sian Evans M.D., et al.; California Medical Assoc., et al.**

Cause called and argued by Robert S. Peck, Esq., counsel for appellant and by Curtis Cole, Esq., counsel for respondents and by David S. Ettinger, Esq., counsel for respondents (Amicus Curiae).

Cause ordered submitted.

At this point Ardaiz, P.J., Levy, J. and Gomes, J. leave the bench; they are replaced by Dawson, Acting P.J., Hill, J. and Kane, J.

**F055117      People v. Rodrigues**

Cause called and argued by Roberta L. Franklin, Esq., counsel for appellant and by David A. Lowe, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Tuesday, May 12, 2009 at 1:30 P.M.

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The court reconvened in its courtroom at 1:30 P.M. Present:  
Honorable Rebecca A. Wiseman, Acting Presiding Justice; Honorable  
Herbert I. Levy, Associate Justice; Honorable Gene M. Gomes,  
Associate Justice; and Charlene Ynson, Assistant Clerk/Administrator,  
by Diana Monopoli, Senior Deputy Clerk.

**F055384      Wallace Stanciu, as Co-administrator, etc., et al. v. Kathleen Williams, as Assignee, etc.**

Cause called and argued by Robert A. Machado, Esq., counsel for appellant and by James R. Hulsy, Esq., counsel for respondents.

Cause ordered submitted.

Court recessed until Wednesday, May 13, 2009 at 10:00 A.M.

**F054999      People v. Sotelo**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F054999      People v. Sotelo**

The case is remanded for the trial court to stay its sentence on count four and to stay its sentence on the weapon enhancement in count four. The court shall determine whether to impose or to strike the great bodily injury enhancement and, should it strike the enhancement, to do so upon a statement of reasons which are to be set forth in the clerk's minutes. The court shall prepare and amended abstract of judgment reflecting these changes and forward it to the appropriate authorities. The judgment is otherwise affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F056138      People v. Ponce**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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- F056138      People v. Ponce**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F056286      In re E.T. et al., Minors**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.
- F055189      People v. Menera**  
Appellant's petition for rehearing filed herein is denied.
- F054541      People v. Lopez, Jr. et al.,**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F055773      People v. Rice**  
The judgment is affirmed. Cornell, J.  
We concur: Vartabedian, Acting P.J.; Levy, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F055744      People v. Jones**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.
- F055289      In re M.B., a Minor**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.
- F055855      United Rentals Northwest, Inc. v. Snider Lumber Products, Inc. et al.**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.